

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

BASHIR HASSAN KULMIYE,

Defendant.

22-CR-580 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

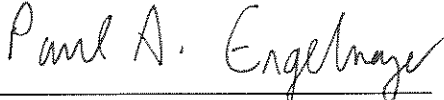
The Court has received a letter from Katherine R. Goldstein, Esq., who, along with Michael Asaro, Esq., is court-appointed counsel to defendant Bashir Kulmiye, whose trial on charges including material support for terrorism, hostage taking, conspiracy to do the same, and threatening a U.S. national with a weapon of mass destruction the Court has scheduled to begin on July 10, 2023. Dkt. 24. Ms. Goldstein's letter represents that, that on November 11, 2022, Bureau of Prisons ("BOP") guards at the Metropolitan Detention Center ("MDC") refused entry to her, Mr. Asaro, and the Somali interpreter whose presence is necessary for counsel to communicate with Mr. Kulmiye. Ms. Goldstein represents that she was told by the guards that she and Mr. Asaro were not on the list of MDC-approved lawyers, and that the interpreter had not received the correct approvals to enter the facility. In fact, Ms. Goldstein represents, she and Mr. Asaro have visited Mr. Kulmiye at the MDC many times since his arrest in April 2022, and, as reflected in attached documentation, the interpreter, whose name Ms. Goldstein has redacted, has been authorized to enter the facility since June. *Id.*

The BOP's denial to defense counsel and their interpreter of access to visit Mr. Kulmiye is not acceptable, threatens if repeated to infringe on Mr. Kulmiye's right to counsel, and will not be tolerated by the Court. The Court accordingly orders the following:

1. The Court grants permission to Ms. Goldstein, Mr. Asaro, and their interpreter – whose name is known to the BOP – permission to enter the MDC to visit Mr. Kilmiye in connection with this matter.
2. By 5:00 p.m. on Tuesday, November 15, 2022, with the assistance of Government counsel, a responsible officer of the MDC is to file a sworn declaration on the docket of this case, attesting to the circumstances under which the BOP denied access to Mr. Kilmiye's defense team on November 11, 2022, and committing, going forward, to respect Mr. Kilmiye's right to access to his counsel and interpreter. Upon receiving this declaration, the Court will determine whether additional action, investigation, or orders are warranted.
3. Government counsel are to furnish this order to MDC legal counsel forthwith.

The Clerk of Court is requested to terminate the motion at Dkt. No. 24.

SO ORDERED.

  
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PAUL A. ENGELMAYER  
United States District Judge

Dated: November 14, 2022  
New York, New York